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Report of the Working Group on the Universal Periodic Review*

Tonga

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-ninth session from 15 to 26 January 2018. The review of Tonga was held at the 2nd meeting, on 15 January 2018. The delegation of Tonga was headed by the Solicitor General, Sione Sisifa. At its 10th meeting, held on 19 January 2018, the Working Group adopted the report on Tonga.

2. On 10 January 2018, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Tonga: Angola, Slovakia and the United Arab Emirates.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Tonga:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/29/TON/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/29/TON/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/29/TON/3).

4. A list of questions prepared in advance by Brazil, Germany, Liechtenstein, Portugal, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Tonga through the troika. These questions are available on the website of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation noted that, as a small Pacific island country, Tonga suffered from the challenges of its small size, geographic isolation, natural vulnerability and fragility and its limited human and financial resource base, which had a high cost in terms of social and community services as well as economic development. Unfortunately, the process of ensuring its compatibility and compliance with international human rights treaties represented a huge demand on its limited capacity. Despite such challenges, many of the underlying human rights principles enshrined in the core human rights conventions formed the basis for many Tongan laws. In addition, Tonga remained committed to pursuing the ratification of the core human rights conventions and intended to continue its active participation in the universal periodic review process.

6. Tonga still had not made formal commitments to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, due to human and financial resource constraints. However, its legislation, in particular its Constitution, enshrined many of the articles espoused in the International Covenant on Civil and Political Rights. The Tongan courts also applied many of the human rights conventions in determining court cases, such as the 2005 case of R v. Vola, which had set an important and binding precedent in preventing arbitrary application of the death penalty.

7. The principles underlying the provisions of the International Covenant on Economic, Social and Cultural Rights had been incorporated into Tongan legislation, which included laws on gaining access to adequate health care and the rights to education, to a decent home, food and shelter, to fair wages and equal remuneration for equal value, and to take part in cultural life.

8. The 2013 Education Act had established a new compulsory school age of 4 to18 years. Furthermore, it had imposed a legal duty on parents to educate their children, and had introduced the principle of inclusive education for children with special needs and the right of all children under the age of 19 years to have access to quality education in Tonga, irrespective of the child's gender, religion, socioeconomic status, physical condition or location.

9. The Health Services Act 1991, the Medical and Dental Practice Act 2001, the Mental Health Act 2001 and the Public Health Act 2008 protected the rights of a person to have access to medical and health services in Tonga. The Ministry of Health was in the process of reviewing some of these legal provisions to ensure compatibility with international health standards.

10. In 2016, Tonga had become the 187th member of the International Labour Organization (ILO), thereby reflecting its commitment to promoting and ensuring a decent work environment and the progressive realization of international labour standards at the national level. An employment relations bill 2013 had been drafted and was in the process of full public consultation.

11. On the issue of ratification of the Convention on the Elimination of All Forms of Discrimination against Women, Tonga had announced that it was ready to ratify the Convention at the fifty-ninth session of the Commission on the Status of Women, held at United Nations Headquarters on 12 March 2015. However, due to public protests, Tonga had had to defer the ratification process for further consultation. Through targeted and strategic consultations, Tonga continued to move towards ratification. In addition, the underlying principles of the Convention were being addressed through projects linked to the commitments of Tonga to the 2030 Agenda for Sustainable Development. For Tonga, the ratification of the Convention on the Elimination of All Forms of Discrimination against Women was an ongoing process and represented a generational change.

12. Tonga had a liberal maternity leave policy for public service employees, with three months' paid maternity leave and five working days' paternity leave. Tonga supported women's economic empowerment activities through the identification of key women's economic empowerment priorities in the National Community Development Plans, the sourcing of existing training opportunities and identification of funding as well as additional training as required. Furthermore, Tonga planned to develop an electronic registration system for community women's development groups, strengthen networks and build partnerships between stakeholder groups and donors, and help female entrepreneurs to attend regional festivals and trade fairs. Women's economic empowerment was a priority issue for Tonga. In its view, an important means for eradicating poverty was the provision of an environment that helped to ensure that women earned a decent income, were represented in both the formal and informal sectors and were given equal opportunities and education.

13. Tonga was implementing projects that addressed the issue of domestic violence, which had been identified as a major impediment to gender equality.

14. In May 2017, Tonga had conducted a holistic justice sector review and public consultation, which had led to the identification of projects to give women and children and vulnerable members of society and persons with disabilities better access to justice.

15. In December 2016, Tonga had set up a criminal policy Cabinet subcommittee to examine, analyse and address the issues of violence against vulnerable members of society, such as women, children, the elderly and persons with disabilities.

16. In Tonga, women and men generally received equal pay for equal employment levels, for instance within the public service. The Tongan Armed Forces had recently reviewed their employment policies to ensure gender equality.

17. Tonga had no discriminatory legislation in relation to the participation of women in politics. However, women were less successful in securing membership in the Legislative Assembly. For example, in 2014, 16 of the 106 candidates in the general elections had been women. In the 2017 elections, only 15 of the 86 candidates had been women. One of the identified weak areas related to their techniques in campaigning and lobbying for votes.

Accordingly, joint programmes were being run to help women to strengthen their campaigning techniques. In 2014, the Legislative Assembly had held the first ever Practice Parliament for Women, a United Nations Development Programme-backed event designed to help women to become effective political leaders. In the 2017 general elections, the 26-member Legislative Assembly had welcomed two successful female candidates to its ranks.

18. Tonga had a dedicated division for all matters relating to women's development and empowerment issues under the Ministry of Internal Affairs. The Women's Division was instrumental in working together with all relevant ministries and civil society to oversee and report on the effective implementation of the Family Protection Act 2013. Tonga was committed to gender equality and women's empowerment through the implementation of the Act and the Revised National Policy on Gender and Development. New initiatives in 2017 had included gender mainstreaming activities in key ministries.

19. In September 2015, the third and final report of Tonga on the Millennium Development Goals had been submitted to the United Nations,[1] showing progress in eliminating gender disparity in primary and secondary education.

20. In 2015, Tonga had introduced the Tonga Strategic Development Framework 2015–2025. One of the Framework's seven national outcomes was for human development to be more inclusive, sustainable and empowering, with an emphasis on gender equality.

21. In July 2017, Tonga had been represented at a workshop and consultation meeting on gender training needs and design and gender profile information entitled "Promoting Evidence-Based Policymaking for Gender Equality", organized by the Asian Development Bank. The workshop was aimed at developing national capacity for gender mainstreaming in health, fostering discussions on the role of statistics and gender indicators in decision-making, and identifying priorities for training and capacity-building.

22. Tongan women were increasingly represented in managerial and higher administrative positions, both within the Government and the private sector. Since 2013, 13 women had held or were holding senior positions in Government.

23. Tongan women also held diplomatic positions overseas. To date, the High Commissioner of Tonga to Australia, the Ambassador of Tonga to Japan, the Tonga Consul General in San Francisco, United States of America, and the Tongan Honorary Consuls for France, the Netherlands and Sweden were women.

24. Women held positions as directors, deputies or members on various public enterprise boards, including the Tonga Communications Corporation, the Tonga Broadcasting Commission, the Tonga Water Board, Tonga Post and Fast Print Limited, Tonga Airports Limited, Tonga Market Limited and the Ports Authority.

25. Tongan women also featured prominently in the private sector as successful owners and managers of small to medium businesses, including retail stores, cafés and restaurants, hotels, resorts and tourist facilities, catering services, handicraft and local produce market stalls, preschools and day-care child services.

26. Tongan women also held leadership roles in regional and international organizations. For instance, in May 2017, a Tongan woman had been appointed to the position of High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, the first Tongan to hold such a senior position in the United Nations.

27. In May 2014, Tonga had launched its Revised National Policy on Gender and Development as a result of a joint partnership between the Government, the private sector, civil society, the community and development partners.

28. In June 2017, Tonga had established a committee comprising relevant ministries, departments and agencies to consider the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to review relevant

[1] Available at www.finance.gov.to/sites/default/files/Tonga%203rd%20MDG%20Report%20FINAL%20COPY%20%28003%29.pdf.

legislation. Tonga had actively participated in relevant workshops in the region, such as the Convention against Torture Initiative regional workshop held in Fiji in October 2016, and a round-table meeting with the Initiative and OHCHR, in October 2017.

29. Although Tonga had legal provisions allowing whipping as a form of sanction, whipping was no longer considered an option for sentencing. In that regard, Tonga referred to the 2010 case of *Fangupo v. R.*

30. In Tonga, the Education (Schools and General Provisions) Regulations 2002 prohibited teachers from inflicting corporal punishment on any student. Furthermore, the Family Protection Act 2013 protected women and children from abuse and domestic violence.

31. Tonga did not tolerate police brutality. Since the enactment of the Tonga Police Act 2010, there had been a decrease in the rate of civil cases against the Tongan Police, mainly due to the internal disciplinary processes and procedures within the Act. The Ombudsman's Office also provided an effective external mechanism within the political framework to deal with complaints against the police, which included police brutality.

32. On 6 June 2014, the National Policy on Disability and Inclusive Development 2014–2018 and the ratification of the Convention on the Rights of Persons with Disabilities had been approved. On 20 January 2015, Tonga had established the Social Protection and Disability Division under its Ministry of Internal Affairs as a focal point for persons with disabilities. In 2016, the Division had worked together with the Tongan Attorney General's Office to review legislation to expedite ratification of the Convention. In 2017, the Division had conducted public consultations to raise awareness prior to the ratification. In June 2017, the Division had received technical assistance from the Pacific Islands Forums Secretariat and Pacific Office of the Economic and Social Commission for Asia and the Pacific to examine the ratification and legislative implementation of the Convention. In addition, the Attorney General's Office had used its 2016 Law Week as a public awareness programme to highlight the rights of persons with disabilities. Legal provisions were already in place to enable persons with disabilities to enjoy the same political and social rights as all citizens.

33. Tonga continued to review and revise its Constitution to ensure that it enshrined recognized international principles of democracy and good governance. The Government's constitutional review projects had been technically and financially assisted by the Commonwealth Secretariat.

34. In 2016, the Legislative Assembly had established a formal procedure for no-confidence votes to avoid delaying substantive work in processing legislation.

35. In November 2014, Tonga had held its second national election under the electoral system introduced in 2010. On 29 December 2014, Samuela 'Akilisi Pohiva had been appointed by the King of Tonga as the second elected Prime Minister of Tonga under the 2010 political reforms. He had also become the first commoner to be democratically elected by a predominantly elected Parliament. In a further general election, held on 16 November 2017, the Democratic Party of the Friendly Islands (*Paati Temokalati 'o e 'Otumotu Anga'ofa*), led by Mr. Pohiva, had been re-elected, as a result of which Mr. Pohiva had been re-elected as the third Prime Minister under the framework of the electoral changes introduced in 2010.

36. Tonga acknowledged the right of its "*leiti*" community to raise public awareness, educate and organize programmes and projects to highlight the concerns and issues of lesbian, gay, bisexual, transgender, intersex and questioning persons. However, the historical cultural and religious beliefs of Tonga, although tolerant, did not recognize the legal status of same-sex relationships. The Tonga Leitis Association had been established in 1992 with a focus on improving the rights and celebrating the contribution of *leitis* in Tonga and on responding to the HIV pandemic. In 2016, it had launched a strategic plan for the period 2016–2020, with a vision for Tonga to respect and uphold the rights of persons with diverse sexual orientations and gender identities. One of the main goals of the plan was to reduce stigma and discrimination against *leitis* and people living with HIV. It also aimed to educate and advocate on international human rights law, recent international

developments and agreed principles, such as the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity.

37. The number of child marriages had dropped since the launch in May 2017 of a campaign by the non-governmental organization (NGO) Talitha Project entitled "Let girls be girls". An analysis of the figures from May to December 2016 and the same period in 2017 indicated that the number of young people under 18 years of age getting married had fallen by almost 50 per cent thanks to public awareness campaigns. One challenge that Tonga faced in consultations relating to legislative changes in that area had to do with the country's fundamental Christian and cultural beliefs.

38. The freedom of information policy approved in 2012 had strengthened the freedom of speech, expression and the press guaranteed in clause 7 of the Constitution. A freedom of information unit had been established within the Ministry of Information and Communication to coordinate all information disclosure and dissemination within the public service, providing policy advice and guidelines for compliance with and the implementation of the policy.

39. In support of the freedom of information policy, systems and structures had been established, such as the freedom of information unit and the Cabinet steering committee, to manage a phased process of implementation. One challenge that Tonga faced in the development of a freedom of information bill was the Government's lack of administrative capacity to store and maintain the large number of physical records, both current and historical in each Government ministry. That issue and the policy were being addressed by Government ministries and organizations at the same time to ensure that, when the law came into effect, the Government would be able to provide the relevant documents.

40. Accordingly, the Government had developed administrative and archival projects to ensure safe storage and preservation of records. Two examples were the project within the Ministry of Justice to digitize all civil registry information, with the assistance of the Commonwealth Secretariat within the framework of its project to publish historical birth records that were over 100 years old. Other ministries continued to provide access to information via the Internet and the development of websites. For example, the Attorney General's Office ran a comprehensive website that published all of the laws of Tonga, as well as gazettes and judgments of the courts. The Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications ran a social media page on Facebook that provided information on government initiatives and workshops. Furthermore, Tonga was planning to develop e-Government with the assistance of the World Bank and the Asian Development Bank.

41. Tonga continued to provide free primary education for Tongan children attending public primary schools. Efforts were being made to strengthen human rights education, train public officials and involve civil society in the promotion and protection of human rights through international and regional cooperation.

42. Tonga did not have the necessary resources to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

43. For example, in a 2016 amendment to the Commissioner for Public Relations Act 2001, the Commissioner of Public Relations had been renamed the Ombudsman with a view to ensuring that Tonga was in line with relevant international practice. The Ombudsman's Office was working to boost public awareness by conducting community outreach programmes and running television broadcasts throughout the country, and those efforts had led to an increase in the number of complaints received and successfully addressed by the Office. One advantage of its small community was the fact that access to Tongan government ministers, members of the Legislative Assembly and the constitutional right to petition the King on human rights abuse were still feasible, easily accessible options for the Tongan people.

44. In 2016, Tonga had introduced a cash assistance initiative for persons with disabilities to promote social and economic development for the elimination of poverty. In addition, Tongan NGOs had set up programmes through the Tonga Youth Employment and

Entrepreneurship initiative to encourage youth employment and support. Moreover, many human rights were enshrined in the country's current institutional frameworks and projects. For instance, the Climate Finance and Risk Governance Assessment featured a gender and social inclusion analysis.

45. The country's plan for implementing the universal periodic review was as follows: the recommendations made in the review were reported to the Cabinet, and the respective ministries responsible for implementation were mandated to examine the feasibility of incorporating them into their corporate and annual management plans. Progress on the whole of the ministries' mandate, including the relevant recommendation or recommendations, was monitored quarterly and biannually, resulting in an annual report presented and approved by the Legislative Assembly prior to publication. Tonga was committed to implementing the recommendations and the Sustainable Development Goals in its national plan, the Tonga Strategic Development Framework II 2015–2025. The theme of the Framework, namely, "A more progressive Tonga: Enhancing our inheritance", presented the country's new development framework and mainstreamed the recommendations and the goals set out under the 2030 Agenda for Sustainable Development into national outcomes. For those recommendations that had been approved by the Government but not yet incorporated, a procedure existed to adapt the Tonga Strategic Development Framework. A robust and vigorous process of monitoring and evaluation took place quarterly, biannually and annually.

B. Interactive dialogue and responses by the State under review

46. During the interactive dialogue, 45 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

47. Brazil congratulated Tonga on the entry into force of the Family Protection Act, which recognized domestic violence as a legal offence, and encouraged Tonga to ensure that the Act was fully implemented. It invited Tonga to continue efforts towards curbing violence against women. It also invited Tonga to explore synergies in mainstreaming women's rights and empowerment while implementing the 2030 Agenda for Sustainable Development. It recognized the establishment of the Ombudsman's Office, an important step towards the consolidation of democracy and the rule of law.

48. Canada commended Tonga on implementing measures to address discrimination and violence against women and girls, such as the launch of a centre providing free legal advice and support to survivors of domestic violence. While commending Tonga on the holding of fair and peaceful national elections in November 2017, and noting the increased number of female parliamentarians, Canada invited Tonga to consider measures to further foster women's participation in the forthcoming national election.

49. Chile urged Tonga to persevere in its efforts towards the ratification of the main human rights international instruments, while highlighting measures to eradicate gender and domestic violence and on the empowerment of women. Nonetheless, the representation of women in political decision-making posts remained low.

50. China welcomed the progress made in Tonga in developing the country's economy to meet people's needs, and in investing in education, including universal primary education. It highlighted the commitment of Tonga to gender equality, protecting women's rights and fighting violence against women and children.

51. Côte d'Ivoire noted the persistent major challenges, particularly those regarding gender equality, the rights of women, for example to gain access to property ownership, the rights of children, prohibiting child marriages, and the rights of persons with disabilities. It noted that Tonga had not yet ratified the main international human rights instruments.

52. Cuba highlighted the measures adopted to implement the recommendations Tonga had accepted during the second review cycle. Cuba underscored the commitments made by Tonga to increasing the participation of women in public life and to strengthening human rights education and training for public officials.

53. Denmark noted that, while Tonga had accepted recommendations from the previous review cycle to ratify the Convention against Torture, it had yet to do so. It also stated that, by ratifying the Convention, Tonga would join with more than 160 States parties in delivering an unequivocal message that torture could never be tolerated.

54. France encouraged Tonga to reinforce the progress achieved on human rights since its previous universal periodic review.

55. Georgia welcomed the revision of the National Policy on Gender and Development, while encouraging Tonga to strengthen its policies to further promote women's rights and prevent domestic violence. It also welcomed the establishment of a committee to consider the ratification of the Convention against Torture and to review relevant legislation.

56. Germany commended Tonga on its recent accession to the International Labour Organization. It expressed concern about the human rights situation of women and other vulnerable groups, including people with disabilities and lesbian, gay, bisexual, transgender and intersex persons.

57. Ghana underscored the establishment of a committee to consider the ratification of the Convention against Torture and to review relevant legislation. It expressed concern that Tonga had yet to accede to a significant number of core international human rights treaties.

58. Honduras welcomed the establishment of the Ombudsman's Office and the adoption of a national policy on gender and development. It encouraged Tonga to redouble its efforts in that regard by strengthening the rule of law framework through the incorporation of the main human rights instruments.

59. Iceland welcomed the positive steps taken by Tonga since its second universal periodic review. It noted that, despite the recommendations Tonga had accepted to ratify core international human rights treaties, no concrete progress had been made thus far.

60. India commended Tonga on the adoption of its Strategic Development Framework 2015–2025 to eliminate gender disparity in primary and secondary education. It underscored the Family Protection Act 2013 as a welcome step aimed at providing greater protection for victims of domestic violence.

61. Indonesia welcomed the establishment of a committee to consider ratifying the Convention against Torture. It also welcomed the enactment in 2016 of an amendment to the Commissioner for Public Relations Act (2001) in order to convert it into an Ombudsman's Office.

62. Ireland welcomed the issuance of a standing invitation to the Human Rights Council special procedures. It noted that, since the second universal periodic review, Tonga had not become a party to any additional core human rights conventions. It also welcomed the enactment of the Family Protection Act (2013), which criminalized domestic violence against women and children.

63. Italy commended Tonga on the adoption of the Family Protection Act (2013), criminalizing domestic violence against women and children. It also appreciated the launch of the Revised National Policy on Gender and Development, as well as the measures adopted in favour of persons with disabilities.

64. Malaysia welcomed the commitment by Tonga to facilitating access to education, including through the adoption of the Education Act 2013, which made education compulsory between the ages of 4 and 18 years. It noted efforts to promote gender equality and build greater gender awareness, including through the Strategic Development Framework 2015–2025.

65. Maldives welcomed the adoption of the Family Protection Act (2013). It was encouraged by the progress made in ensuring universal and inclusive primary education with the adoption of the Education Act (2013) and the efforts by Tonga to improve access to primary schooling for children, especially from low-income households.

66. Mexico recognized the implementation of the Revised National Policy on Gender and Development to promote gender equality. It also welcomed the implementation of the

Integrated National Strategic Plan on Sexual and Reproductive Health 2014–2018. It commended Tonga on the increase in the literacy rate to close to 99 per cent.

67. Montenegro welcomed the positive steps taken in the field of the legislative framework for social and child protection and education, while encouraging Tonga to improve the effective implementation of those steps. It noted the very low level of ratification of the key international human rights instruments. It also encouraged Tonga to improve its cooperation with the United Nations human rights mechanisms.

68. Morocco welcomed the revised national policy on gender equality, the law on the protection of the family and the criminalization of marital rape. It welcomed the commitment by Tonga to the integration of persons with disabilities, efforts to ensure access to justice for all and the fight against torture, racial discrimination, corruption, child pornography and cyberharassment of children.

69. Mozambique praised Tonga for the adoption of the Criminal Offences Act, which criminalized marital rape, and for the official launch of Orange Day and the programme to mark White Ribbon Day, both of which were initiatives to end violence against women. It also welcomed the launch of the National Integrated Sexual and Reproductive Health Strategic Plan (2014–2018) that aimed to attain a high standard of health and quality of living through improved sexual reproductive health for all people.

70. The Netherlands welcomed efforts to raise awareness about the issue of child marriage. It remained concerned about the position of lesbian, gay, bisexual, transgender and intersex persons in Tonga, while urging the Government to take further measures in that regard.

71. New Zealand commended Tonga on progress to increase participation by women in Parliament and in government leadership positions. It also commended Tonga for passing the Family Protection Act (2013) and for signing the Convention on the Rights of Persons with Disabilities.

72. Panama commended Tonga on the progress made in the field of education, as well as the significant steps taken to criminalize domestic violence and marital rape. It encouraged Tonga to ratify the fundamental ILO conventions. It also noted that more remained to be done in terms of gender and childhood.

73. The Philippines noted that elections had passed relatively smoothly, despite the political disruption caused after the dissolution of Parliament. It acknowledged the Government's efforts to provide adequate laws and establish administrative mechanisms to protect women and girls, particularly the criminalization of rape and domestic violence. Furthermore, the Philippines proposed that Tonga prioritize the ratification of core international human rights treaties, in particular the Convention on the Elimination of All Forms of Discrimination against Women.

74. Portugal appreciated the presentation of the comprehensive national universal periodic review report.

75. The Republic of Korea commended Tonga on the fact that the Constitution had been amended to provide for better protection of human rights. It welcomed the efforts made to achieve the Sustainable Development Goals, such as those relating to gender equality and reduced inequalities.

76. Sierra Leone commended Tonga on adapting its national legislation in order to meet its human rights commitments. It noted the various measures the Government had taken since the previous review, including the New Education Act 2013 and the National Policy on Disability and Inclusive Development 2014–2018. It encouraged Tonga to continue to engage in national consultations in order to ratify the Convention on the Elimination of All Forms of Discrimination against Women.

77. Singapore commended Tonga for its promotion and protection of women's rights, including the adoption of the Family Protection Act 2013 to curb domestic violence and the expansion of women's participation in social, economic, political life, as well as the steps taken towards the ratification of the Convention on the Elimination of All Forms of Discrimination against Women. It also welcomed the launching of the National Policy on

Disability and Inclusive Development 2014–2018 and the launch of the Revised National Policy on Gender and Development. It remained committed to supporting the development of Tonga through the technical cooperation package for small island developing States and the sustainable development package, under the Singapore Cooperation Programme.

78. Slovenia noted with appreciation some positive measures taken by the Government with regard to the participation of women in political and public life. It encouraged Tonga to continue such efforts, especially by removing loopholes in national legislation and encouraging the participation of women in economy and politics. It noted concerns about the protection of children in criminal proceedings and the use of corporal punishment as a sentence by the courts for all persons. It also expressed concern about reports that corporal punishment remained widespread in the country, including in primary and secondary school settings.

79. Thailand noted as positive the work by Tonga to promote women's participation in political life and decision-making. It welcomed the progress made to eliminate gender disparity in primary and secondary education and the ongoing implementation of the revised National Policy on Gender and Development. It also noted as positive the increase in the number of female prison officers and human rights training for prison officers.

80. Timor-Leste welcomed the adoption of a New Education Act that provided for compulsory education between the ages of 4 and 18 years, and established the principle of inclusive education for children with special needs. It expressed concern about the cases of discrimination on grounds of sexual orientation and gender identity while commending Tonga for hosting in May 2015 a Pacific human rights conference on lesbian, gay, bisexual, transgender, intersex and questioning persons.

81. Turkey welcomed the efforts of Tonga to introduce constitutional reforms aimed at widening the country's democratic space, as well as the positive steps taken in recent years to consolidate the rule of law and democracy. Turkey noted that Tonga had the highest government spending on education in the Pacific, highlighting that the expansion of free basic education in Tonga enabled access to primary schooling for children from all segments of society. Turkey encouraged Tonga to amend the Land Act, particularly its provision forbidding women from inheriting land.

82. Ukraine welcomed the endorsement of the Sendai Framework for Disaster Risk Reduction 2015–2030, the adoption of the Family Protection Act (2013) aimed at combating domestic violence, and the progress made towards achieving universal primary education of children. It reiterated the United Nations country team's recommendation that Tonga assess periodically the impact of climate change and natural disasters, particularly in relation to the enjoyment of human rights by the poor and lower-income segments of the population.

83. The United Kingdom of Great Britain and Northern Ireland encouraged Tonga to ratify the core human rights conventions and to establish a national human rights institution in accordance with the Paris Principles. It welcomed the efforts by Tonga to promote female candidates in national elections. However, it noted that female participation in Tongan politics remained low while encouraging Tonga to further promote the inclusion of women in politics. It expressed concern that Tongan legislation continued to criminalize consensual same-sex conduct, while noting that there had been no recent prosecutions under the legislation. It urged Tonga to repeal all such provisions and ensure anti-discrimination laws also covered sexual orientation. It also welcomed the country's membership of ILO in 2016 while encouraging Tonga to ratify the key ILO conventions.

84. The United States of America welcomed the recent successful national elections and the announcement by Tonga that it would open a free legal centre for women who were survivors of sexual or domestic violence. It encouraged Tonga to decriminalize lesbian, gay, bisexual, transgender and intersex status and conduct, increase free legal aid and implement policies to increase women's participation at all levels of government.

85. Uruguay welcomed efforts by Tonga to combat trafficking in persons, and its consideration of acceding to various international human rights instruments. While noting that the Constitution of Tonga prohibited discrimination on the basis of social class,

religion and race, but did not define or recognize discrimination based on gender or other grounds. Uruguay expressed the hope that gender and sexual orientation could be included as prohibited grounds of discrimination.

86. The Bolivarian Republic of Venezuela noted the important legislative initiatives, including the new Education Act (2013), which set the age of compulsory schooling between 4 and 18 years, and imposed on parents the obligation to school their children. It welcomed the approval of the National Policy on Disability and Inclusive Development 2014–2018. It also welcomed the fact that Tonga had become a Member State of ILO as of February 2016, a sign of its commitment to decent employment opportunities, the increase of social protection and the strengthening of dialogue on issues related to the right to work.

87. Algeria welcomed the development of the national development policy (2014–2018) and the strategic development framework (2015–2025). It noted the important legislative measures taken by Tonga to harmonize national law with international human rights norms. It also noted with satisfaction the efforts and results achieved by Tonga in the fields of education, health and poverty reduction.

88. Angola welcomed the successful 2014 elections in Tonga and its commitment to human rights. While highlighting the importance of the creation of a human rights institution to promote, protect, coordinate and oversee human rights issues, as well as to assist in the implementation of the recommendations made during the review, Angola appealed to Tonga to work towards that end. It also encouraged Tonga to reinforce legal mechanisms for the protection of the child.

89. Australia acknowledged the efforts by Tonga to improve human rights, including through the enactment of the Family Protection Act 2013, the introduction of a national disability inclusiveness policy, the improvement of access to health services for people with disabilities, the establishment of the Ombudsman's Office, and the progress on work towards a landmark employment relations bill. It also commended Tonga on the well-run, peaceful elections held in November 2017. While noting the country's continuing efforts to promote gender equality, Australia expressed concern about the high rates of domestic violence. It also noted that Tonga had not carried out the death penalty for some time.

90. Azerbaijan was encouraged by the continuing constitutional and political reforms in Tonga, the fact that Tonga was on a path towards stronger democracy marked by progress in a number of areas, including the establishment of the Ombudsman's Office, and the 2014 general elections, which had been deemed free and fair.

91. Argentina congratulated Tonga for the progress made in the field of universal primary education, particularly the adoption of the new Education Act 2013, which set the age of compulsory schooling at 4 to 18 years. It also noted the launching of the "Let girls be girls" campaign.

92. Tonga emphasized that it remained committed to improving the level of implementation of its human rights obligations. It called upon Member States to understand and appreciate the unique circumstances that it faced when advancing human rights protection, such as limited resources, strong cultural values, predominant Christian faith and the growth of liberal ideologies. Furthermore, Tonga called upon Member States to assist and support it in its journey to advance human rights, attaching special priority to those human rights that promoted the rights of all vulnerable members of its society.

II. Conclusions and/or recommendations

93. **The recommendations formulated during the interactive dialogue/listed below have been examined by Tonga and enjoy the support of Tonga:**

> 93.1 **Consider transforming existing ad hoc structures into a national mechanism for coordination, implementation, reporting and follow-up, in line with elements arising from good practices identified in the 2016 OHCHR guide on national mechanisms for reporting and follow-up (Portugal);**

93.2 **Continue to work on human rights and sustainable development initiatives and, where applicable, adopt appropriate follow-up mechanisms (Thailand);**

93.3 **Submit the initial report on implementation of the Convention on the Rights of the Child (Montenegro);**

93.4 **Adopt an open, merit-based process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland);**

93.5 **Improve its record on reporting to the United Nations treaty bodies, including by submitting its overdue reports to the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child (Azerbaijan);**

93.6 **Elaborate and submit the reports required by the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child (Côte d'Ivoire);**

93.7 **Accept the request for a visit of the Working Group on the issue of discrimination against women in law and in practice (Panama);**

93.8 **In order to increase its capacity-building in the sphere of human rights, cooperate with the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council, bearing in mind that the Fund is mandated to support targeted training courses and capacity-building activities on the international human rights system and international human rights law as well as induction training sessions for government officials of the least developed countries and small island developing States to provide them with information on the multilateral human rights system (Ukraine);**

93.9 **Launch the review of the legislative instruments referred to in paragraph 138 of the national report (Panama);**

93.10 **Take the actions referred to in paragraph 138 of its national report as part of the revision and amendment of national legislation (Cuba);**

93.11 **Continue its democratization process, including efforts to enhance respect for the civil rights of its citizens to ensure equal and full enjoyment of fundamental human rights (Indonesia);**

93.12 **Continue its efforts to establish efficient and transparent public services in the country (Azerbaijan);**

93.13 **Continue to take effective measures to protect the rights of vulnerable groups (China);**

93.14 **Continue to consolidate its social and human rights policies, especially in the area of economic, social and cultural rights, in order to increase the quality of life of its people, particularly the most vulnerable sectors of the population (Bolivarian Republic of Venezuela);**

93.15 **Establish a monitoring and reporting system on the implementation of the education policy framework (Portugal);**

93.16 **Create a monitoring system for the implementation of the current education policy framework for the period 2004–2019 (Ukraine);**

93.17 **Establish a national human rights institution, capable of promoting and protecting human rights in the country, and that receives sufficient human and financial resources to guarantee its proper functioning (Mexico);**

93.18 **Continue the dialogue that has progressed to a certain level about forming a national human rights institution (Turkey);**

93.19 **Create a national human rights institution that monitors all rights issues in Tonga, as reiterated in the previous cycles (Uruguay);**

93.20 **Create a national human rights institution which could be based on the newly established Ombudsman's Office (France);**

93.21 **Establish a mechanism for improving coordination and strengthening of various institutions dealing with discrimination against women, taking into consideration that Tonga still has not established an institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Slovenia);**

93.22 **Ensure sufficient resources are allocated for the full and successful implementation of the Revised National Policy on Gender and Development 2014–2018 (Singapore);**

93.23 **Further strengthen mechanisms for citizens, including civil society organizations, to participate in law-making, oversight, national planning and budgeting processes (Netherlands);**

93.24 **Prioritize gender equality, as well as increase women's participation at all levels of social, political and economic decision-making in government (United States of America);**

93.25 **Adopt concrete measures to protect vulnerable groups to assist them in being more resilient to the impact of climate change and natural disasters (Republic of Korea);**

93.26 **Seek the technical and financial assistance needed to adequately address the climate change challenges and to reduce risk and implement early warning systems (Sierra Leone);**

93.27 **Address the issue of trafficking of women and children (Philippines);**

93.28 **Take measures to reinforce protections for freedom of expression, including guaranteeing the independence of public and private media (Canada);**

93.29 **Take additional steps towards the abolition of child marriage, including by raising to 18 the minimum age of marriage (Brazil);**

93.30 **Take steps to end child marriage by raising to 18 the minimum age of marriage for both boys and girls (Italy);**

93.31 **Take all necessary measures to ensure the effective implementation of the Family Protection Act 2013 and that it place a particular focus on legal and cultural awareness-raising campaigns (Ireland);**

93.32 **Continue to implement its strategic development framework 2015–2025 to achieve sustainable economic and social development (China);**

93.33 **Make efforts for the welfare of female workers, including by ensuring maternity leave by law (Republic of Korea);**

93.34 **Implement an official support system for working women, contemplating basic issues such as the minimum wage and maternity leave (Uruguay);**

93.35 **Continue to strengthen health care and to especially improve services for maternal health, for newborns and for children (Maldives);**

93.36 **Take the necessary measures to improve access to health, especially for children and women during pregnancy, childbirth and the post-delivery period (Algeria);**

93.37 **Implement measures to strengthen universal access to health services, including reproductive health (Angola);**

93.38 **Adopt legislative measures and political measures to combat discrimination against women and guarantee gender equality in the public and private spheres (Honduras);**

93.39 **Increase awareness-raising and information campaigns to combat violence against women (Morocco);**

93.40 **Criminalize all forms of violence against women, including domestic sexual violence (Honduras);**

93.41 **Promote equality between women and men and fight against domestic violence (France);**

93.42 **Continue with efforts to combat violence against women and children, and efforts to eliminate all forms of discrimination against women (New Zealand);**

93.43 **Promote and increase efforts for women's participation in political life and decision-making at all levels (Morocco);**

93.44 **Continue to strengthen efforts to increase women's participation at all formal decision-making levels (New Zealand);**

93.45 **Adopt specific measures to increase the representation of women in decision-making bodies, including the Legislative Assembly (Chile);**

93.46 **Establish national policies which ensure better participation of women at all levels of government and in key decision-making positions (Sierra Leone);**

93.47 **Abolish the provisions which authorize corporal punishment (Italy);**

93.48 **Prohibit all persons, especially children, from receiving lashes as disciplinary sanctions or any other type of corporal punishment, regardless of the offence they committed (Uruguay);**

93.49 **Modify national legislation to prohibit child, early and forced marriage and establish a clearly defined legal age of marriage and consent (Sierra Leone);**

93.50 **Take the necessary measures to modify the national legislation to increase the legal minimum age for marriage, as well as to raise awareness of deeply rooted attitudes and stereotypes, in particular by investigating and sanctioning cases in which girls are forced to marry children with whom they have been seen or even with their rapists (Argentina);**

93.51 **Establish a separate juvenile court or system for children and implement the Convention on the Rights of the Child (Turkey);**

93.52 **Continue to review and improve the relevant legislation, policies and programmes to accord those with disabilities more protection, services and opportunities to participate fully in Tongan society (Singapore).**

94. **The following recommendations will be examined by Tonga, which will provide responses in due time, but no later than the thirty-eighth session of the Human Rights Council:**

94.1 **Continue its efforts to ratify all core international human rights conventions (Indonesia);**

94.2 **Make every effort to ratify core international human rights treaties, and fulfil its reporting obligations under the conventions that it has ratified (Ireland);**

94.3 **Take the necessary steps to ratify the International Covenant on Civil and Political rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child (Ghana);**

94.4 **Ratify the International Covenant on Civil and Political Rights (Côte d'Ivoire) (Iceland) (Panama) (Turkey);**

94.5 **Ratify the International Covenant on Economic, Social and Cultural Rights (Angola) (Iceland) (Mexico) (Panama) (Turkey);**

94.6 **Ratify the Convention on the Elimination of All Forms of Discrimination against Women (Angola) (Australia) (Côte d'Ivoire) (Denmark) (Iceland) (Italy) (Mexico) (Turkey);**

94.7 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Brazil) (Iceland) (Turkey);**

94.8 **Ratify the Convention on the Rights of Persons with Disabilities (Iceland);**

94.9 **Ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture, and take steps to raise social awareness and understanding of these instruments (Canada);**

94.10 **Accelerate steps to ratify the core international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Republic of Korea);**

94.11 **Consider acceding to the International Covenants on human rights (Uruguay);**

94.12 **Examine the possibility of ratifying some international human rights legal instruments, particularly the two International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights (Algeria);**

94.13 **Consider ratifying the core international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Azerbaijan);**

94.14 **Ratify the main international human rights treaties, particularly the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of Persons with Disabilities (France);**

94.15 **Ratify the Convention on the Elimination of All Forms of Discrimination against Women, and implement it in national law (Germany);**

94.16 **Expedite the ongoing process to ratify the Convention on the Elimination of All Forms of Discrimination against Women as part of its ongoing efforts to promote and protect the rights of women (Maldives);**

94.17 **Work towards the ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities (India);**

94.18 **Consider withdrawing its reservations to the Convention on the Elimination of All Forms of Discrimination against Women as well as setting up a national human rights commission, in accordance with the Paris Principles (Mozambique);**

94.19 **Conclude the process of ratification of the Convention on the Elimination of All Forms of Discrimination against Women and reconsider all the potential reservations thereto (Portugal);**

94.20 **Accelerate steps towards ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Georgia);**

94.21 **Intensify efforts to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ghana);**

94.22 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment without further delay (Denmark);**

94.23 **Increase efforts aimed at ratifying the core international human rights treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women (Ukraine);**

94.24 **Intensify its efforts to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the Convention on the Elimination of All Forms of Discrimination against Women (Chile);**

94.25 **Ratify the Convention on the Rights of Persons with Disabilities (New Zealand);**

94.26 **Ratify and implement the Convention on the Rights of Persons with Disabilities and support the disaggregation of Sustainable Development Goals reporting data by disability (United Kingdom of Great Britain and Northern Ireland);**

94.27 **Accede to the Rome Statute of the International Criminal Court (France);**

94.28 **Ratify the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182) as part of the Government's ongoing commitment to achieving target 8.7 of the Sustainable Development Goals (United Kingdom of Great Britain and Northern Ireland);**

94.29 **Ratify the main human rights instruments to which it is not yet a party, as well as the fundamental International Labour Organization conventions (Honduras);**

94.30 **Continue efforts to ratify international instruments and to cooperate with human rights mechanisms (Morocco);**

94.31 **Sign and accede to the core international human rights treaties to which Tonga is not yet party, namely, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Sierra Leone);**

94.32 **Ratify core human rights treaties as well as the Rome Statute of the International Criminal Court (Timor-Leste);**

94.33 **Continue taking necessary measures to establish a national human rights institution in line with the Paris Principles, including by increasing the capacity-building programmes for all stakeholders (Indonesia);**

94.34 **Establish a national human rights mechanism that is in accordance with the Paris Principles (Portugal); Establish a national human rights institution in conformity with the Paris Principles (Sierra Leone); Establish a national**

human rights institution in accordance with the Paris Principles (Timor-Leste); Establish a national human rights institution for the promotion and protection of human rights in accordance with the Paris Principles (Ukraine);

94.35 **Accelerate efforts to establish a national human rights institution in compliance with the Paris Principles (Georgia);**

94.36 **Introduce comprehensive anti-discrimination legislation to provide equal protection for all persons, including vulnerable groups like people with disabilities, and on all grounds, including sexual orientation and gender identity (Germany);**

94.37 **Decriminalize consensual same-sex relations (Germany);**

94.38 **Decriminalize consensual sexual relations between adult persons of the same sex (Honduras);**

94.39 **Repeal legislation that criminalizes same-sex sexual practices between consenting adults and increase efforts to eliminate all forms of discrimination that target individuals based on their sexual orientation and gender identity (Canada);**

94.40 **Adopt specialized laws that allow the creation of mechanisms to combat sexual and gender-based violence, as well as discrimination based on sexual orientation and gender identity (Mexico);**

94.41 **Enact new legislation or amend existing laws with a view to decriminalizing same-sex relations between consenting adults (Montenegro);**

94.42 **Introduce comprehensive anti-discrimination legislation to provide equal protection against discrimination for all persons and on all grounds, including sexual orientation or gender identity (Netherlands);**

94.43 **Revise the Criminal Offences Act in order to decriminalize sexual relations between consenting adults of the same sex (Portugal);**

94.44 **Continue working together with the *leitis* (lesbian, gay, bisexual, transgender and intersex persons) civil society organization to adopt the necessary reforms to eradicate discrimination based on sexual orientation or gender identity (Chile);**

94.45 **Repeal the provisions of the Criminal Offences Act that criminalize same-sex sexual relations between consenting adults (Timor-Leste);**

94.46 **Repeal the provisions of the Tongan Criminal Offences Act that criminalize lesbian, gay, bisexual, transgender and intersex status and conduct (United States of America);**

94.47 **In follow-up to the recommendation made in 2013, take urgent measures to repeal the norms and regulations that sanction and discriminate against lesbian, gay, bisexual, transgender and intersex persons, as well as to investigate and sanction the perpetrators of acts of discrimination and violence towards those persons (Argentina);**

94.48 **Abolish the death penalty (Honduras);**

94.49 **Formally abolish the death penalty, including by ratifying the International Covenant on Civil and Political Rights and its Second Optional Protocol, aiming at the abolition of the death penalty (Australia);**

94.50 **Consider fully abolishing the death penalty (Italy);**

94.51 **Abolish the death penalty, considering its de facto moratorium since 1982 (Canada);**

94.52 **Transform its de facto moratorium on the application of the death penalty into a definitive abolition (Portugal);**

94.53 **Continue to incorporate into legislation the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, otherwise known as the "Bangkok Rules" (Thailand);**

94.54 **Develop a broader legal aid system that offers free legal counsel to indigent defendants (United States of America);**

94.55 **Carry out regulatory reforms so that women can decide to perform contraceptive medical interventions and any other practice related to their health (Uruguay);**

94.56 **Eliminate from its legal system discriminatory norms based on gender and redouble its efforts to combat any discriminatory practice against women, particularly their right to property (Honduras);**

94.57 **Amend the Land Act currently in effect, particularly its provision preventing women from inheriting land (Iceland);**

94.58 **Prioritize work to eliminate violence against women, and to improve gender equality, including in relation to property and employment (Australia).**

95. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Tonga was headed by Solicitor General, Mr. Sione Sisifa, and composed of the following members:

- Ms. Susana Faletau, Chief Executive Officer of the Ministry of Justice;
- Mr. Sione Sonata Tupou, Acting High Commissioner, Tonga High Commission, London;
- Ms. Akanesi Katoa, Assistant Crown Counsel.